
UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF TEXAS**

DAVID FRANKLIN WEST,

Plaintiff,

versus

TDCJ-CID,

Defendant.

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 1:20-CV-82

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff David Franklin West, a prisoner confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against TDCJ-CID.

The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends dismissing the action without prejudice for want of prosecution.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit.

On March 30, 2020, plaintiff was ordered to pay the \$400.00 filing fee or submit a motion for leave to proceed *in forma pauperis*. Plaintiff chose not to comply with the order and, instead, argued that he was not required to pay a filing fee. On May 4, 2020, the magistrate judge recommended dismissing the action for want of prosecution. In his objections, plaintiff continues to argue that he does not have to pay a filing fee. Plaintiff also submitted a document purporting to convey a future interest in an estate. Because plaintiff has made no attempt to comply with the court order, the magistrate judge correctly concluded that the action should be dismissed for want of prosecution.

ORDER

Accordingly, plaintiff's objections (#11) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#9) is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

Signed this date

Oct 27, 2020



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE